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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas E. Dungan
Serial No: 10/066,205
Filing Date: October 29, 2001
Title: **FREQUENCY MODULATOR**
Our Ref.: DTE-101-C

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PETITION TO CORRECT FILING DATE

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

On October 29, 2001, the above-identified application was received at the Patent Office (See Ex. A) and was assigned Serial No. 10/066,205. The return postcard had a date of February 5, 2002 (See Ex. B). Thereafter, on March 20, 2002, the Patent Office issued a Notice of Incomplete Nonprovisional Application (See Ex. C) indicating that the application was not deposited with drawings and that therefore a newly executed Oath and the drawings would be required. Then, on June 20, 2002, a communication was sent to the Patent Office including drawings and explained the reasons why it was believed the drawings were not necessary (See Ex. D). This was accompanied by a Certificate of Mailing and the like. Now, there has been received from the Office, a filing receipt indicating a date of June 27, 2002, as the filing date (See Ex. E). It is clear that based upon the record the filing date should be October 29, 2001, by virtue of the incorporation by reference of the subject matter of the previous patent.

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In any event, though, it is clear that the Patent Office has erred in the granting of the filing date and correction of same is respectfully requested.

Respectfully Submitted,



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